



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,301	06/06/2001	Daniel Schoch	231008-0352	9521

7590 05/23/2005

Ted R. Rittmaster
Foley & Lardner
Suite 3500
2029 Century Park East
Los Angeles, CA 90067-3021

EXAMINER

HUYNH, KIM T

ART UNIT	PAPER NUMBER
----------	--------------

2112

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/876,301

Applicant(s)

SCHOCH ET AL.

Examiner

Kim T. Huynh

Art Unit

2112

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


PAUL R. MYER
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

a. In response to applicant's argument that the recitation of "modifying" is supported in the original specification. If applicant believes that if address data is incremented then it is modified then Examiner hereby will withdraw the 35 U.S.C 112, first paragraph rejection. However, the rejection of 35 U.S.C 102(e) and 103 are still remain sustained.

b. In response to applicant's argument that in Andreas, the serial devices are not assigned addresses, because if the master bus wants a serial device to perform an operation then the bus master just asserts the chip select signal for the serial device. Examiner respectfully disagrees. As Andreas notes at [0021-0026] discloses the communication between master 110 and devices 120-150 via sharing bus 160. The sharing bus 160 carries commands, addresses and data between the master and devices. Each command associated with specific address for specific device. In order to select a specific device the unique identification of each device must be provided by master. [0021-0026]. Thus, the prior art teaches the invention as claimed and the claims do not distinguish over the prior art as applied.

c. In response to applicant's argument that the address bits A0-A6 in the system of Andreas do not specify an address of a serial device but specify an address for a read or write operation that is performed at an indicated address by a serial device that is already enabled by a chip select signal. The mask value is not an address that is assigned to a serial device. Examiner respectfully disagrees. As Andreas notes [0023-0030], discloses each of serial devices has been selected and assigned an address bit for specific devices to operate in a daisy chain mode. In order to differentiate between devices in chain mode it is modified to enable distributing a mask value to the plurality of serial devices. The devices respond to a subsequently command such that each device receives its SDI signal from a preceding device. While in the normal mode device is enabled by asserting while in the daisy chain the serial devices are enabled or disabled based on mask value. Thus, the prior art teaches the invention as claimed and the claims do not distinguish over the prior art as applied.

d. In response to applicant's argument that neither Andreas nor Floyd, alone or in combination disclose or suggest each IC has an input for receiving address data representing an address of the IC and an output for providing modified address data to a succeeding IC in a daisy chain configuration. Examiner respectfully disagrees. As Andreas notes [0023-0030], discloses each of serial devices has been selected and assigned an address bit for specific devices to operate in a daisy chain mode. In order to differentiate between devices in chain mode it is modified to enable distributing a mask value to the plurality of serial devices. The devices respond to a subsequently command such that each device receives its SDI signal from a preceding device. While in the normal mode device is enabled by asserting while in the daisy chain the serial devices are enabled or disabled based on mask value. Thus, the prior art teaches the invention as claimed and the claims do not distinguish over the prior art as applied.

e. In response to applicant's argument that neither Andreas nor Floyd, alone or in combination disclose or suggest means for storing the first address data in the first IC as an address of the first IC. As Andreas notes [0031-0042], further cited for clarification, each device includes serial interface circuitry, the device mode bit stored in register of the device is initialized to a predetermined value in order to select normal or daisy-chain mode. In order to select a specific device the unique identification of each device must be provided by master. [0021-0026]. Thus, the prior art teaches the invention as claimed and the claims do not distinguish over the prior art as applied.